IN THE HIGH COURT OF UTTRAKHAND
AT NAINITAL

Writ Petition No. 1153 (S/S) of 2007

Harish Singh S/o Shri Sidhiya Singh
R/o village and Post Lohari,
District- Dehradun ……. Petitioner

Versus

1. State of Uttarakhand through the Principal Secretary Forest Department Government of Uttarakhand, Dehradun
2. The Principal Chief Conservator of Forest, Uttarakhand, Rajpur Road, Dehradun
3. The Chief Conservator of Forest, Garhwal Region 85 Rajpur Road, Dehradun
4. Conservator of forest, Yamuna Circle 86 Rajpur Road, Dehradun
5. Divisional Forest Division, Chakrata Forest Division Kalsi, District Dehradun

---------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri P.C. Jhingan, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, direction or order in the nature of mandamus commanding the respondents to pay the minimum wages fixed by G.O. dated 18.10.2005, communicated through letter of respondent no. 2 (Annexure No. 1).
2. Issue a writ, order or direction in the nature of mandamus commanding the respondents to make payment of arrears of difference of minimum wage fixed by G.O. dated 18.10.2005 and the wages already paid to the petitioner.

3. Issue any other or direction, which is deemed fit and proper under the facts and circumstances of the case in favour of the petitioner.

4. Award cost of the writ petition to the petitioner.

The stand of the petitioner is that he was appointed as Chowkdar with the respondent department in the year 2002 on daily wage basis and is being paid Rs. 2190/- per month.

Learned counsel for the petitioner has submitted that by order dated 14th December, 2006, the Principal Chief Conservator of Forest, Uttarakhand, Dehradun has amended the minimum wages of the employees of the Department in view of the Government Order, which was passed in this respect, on 18.10.2005. Learned counsel for the petitioner has further submitted that in spite of this order dated 14th December, 2006, the petitioner is not being paid the increased wages.

Considering the circumstances aforesaid, I deem it fit and proper to direct the petitioner to make a representation, raising all his grievances, to respondent no. 5, Divisional Forest Division, Chakrata within a period of 10 days from today and respondent no. 5 is also directed to decide the representation of the petitioner within a period of four weeks from the date of production of a certified copy of this order along with the representation, if any, before him.

If the petitioner and similarly situated persons of the department are entitled to get the wages as per Government Order dated 18.10.2005, the Principal Chief Conservator of Forest, Dehradun is directed to issue necessary directions to all the officers

concerned to comply the order in case the order dated 14.12.2006 relates to the post of petitioner and make payment in accordance with law.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J)

23.08.2007
VKS